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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,787	11/14/2001	HyungByum Kim	16791	3121

23556 7590 06/26/2003
KIMBERLY-CLARK WORLDWIDE, INC.
401 NORTH LAKE STREET
NEENAH, WI 54956

EXAMINER

REICHLER, KARIN M

ART UNIT	PAPER NUMBER
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3761

DATE MAILED: 06/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/990,787

Applicant(s)

KIM ET AL.

Examiner

Karin M. Reichle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Pri rity under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4-5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Specification

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the liner, personal care product or pantiliner as claimed in claims 1-14 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Description

2. The use of the trademark STARRET(R)(page 6), LYOCCELL(R), ASPUN(R) and ESCORENE(R)(page 12) has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

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Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Trademarks should be shown in all capital letters or by a trademark symbol, not both.

3. The disclosure is objected to because of the following informalities: On page 2, line 13, "with" should be --to produce--. Also, the use of the terminology "The inventors", e.g. page 10, lines 6 and 21, should be avoided, i.e the description should be a factual description of the invention.

Appropriate correction is required.

Claim Objections

4. Claims 2-14 are objected to because of the following informalities: in claim 2, "said first layer and said second layer apertures" should be --the apertures of the first layer and the apertures of the second layer-- This also applies to claim 14. In claims 3 and 4, "durably" should be --durable--. In claim 5, "according to " should be --by a--. This also applies to claim 13. In claim 6, line 1, before "hydrophilic", --first-- should be inserted. In claim 7, line 2, "to form a laminate" should be moved to after "fibers" on line 3. Also, "is apertured with an area" on line 3 should be --has a surface area which is apertured to produce an open area--. Claim 12 which depends from claim 11 has an inconsistent preamble therewith. Appropriate correction is required.

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5. Applicant is advised that should claim 7 be found allowable, claim 10 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

6. Claims 10- 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 is redundant. A positive structural antecedent basis for "said apertures in said layers" in claim 11 should be defined.

Prior Art Rejections

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen et al , PCT '290.

See Figures 1, 5 and 14 of Chen et al. In regard to claim 1, the hydrophilic first layer is 1 and the hydrophobic second layer is 2, see also page 5, line 26, page 6, lines 3-4, 8 and the second full paragraph, page 7, lines 2-4 and 29-30, page 12, lines 10-11, page 37, lines 5-6, 10-11, 27 and 31-32, the paragraph bridging pages 41-42, page 48, the second full paragraph, page 51, line 22 and page 52, lines 11 et seq of Chen. With regard to claims 2, 14 and 16, see page 42, first full paragraph. With regard to claim 3, see page 4, lines 6-7 for example. With regard to claim 4, see page 38, lines 24-28 and page 53, last paragraph. With regard to claims 15 and 5, see page 44, lines 5-10, page 47, last five lines, page 46, lines 28-31 and page 53, lines 4-23. With regard to claim 6, see page 5, line 10, page 44, line 27, page 46, lines 24-26 and page 47, the second full paragraph. With regard to claims 7, 8, 10-11 and 15, see the portions cited with regard to claims 1-6 and page 6, lines 28-29 and page 53, lines 24-25. With regard to claim 9, see page 51, line 6. With regard to claim 12, and 13, see page 10, lines 7-9.

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Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited prior art also teaches laminates of hydrophilic and hydrophobic layers.

10. Any inquiry concerning this communication should be directed to K. M. Reichle at telephone number 703-308-2617. The Examiner's regular work schedule is Monday-Thursday. The Official RightFAX number is 703-308-2617.

K.M. Reichle
~~RECEIVED~~
~~EXAMINER~~

KMR

June 19, 2003